

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on February 9, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. David E. Wanzonried (D)

##### **Members Excused:**

Sen. Carol Williams (D)  
Sen. Jim Shockley (R)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 360, 2/5/2007; SB 393, 2/5/2007;  
SB 408, 2/5/2007; SB 395, 2/5/2007;  
SB 381, 2/5/2007  
Executive Action: SB 360, SB 381, SB 323, SB 350

**HEARING ON SB 360**

**Opening Statement by Sponsor:**

00:01:17 SEN. JIM PETERSON (R), SD 15, opened the hearing on SB 360, Allow at-will termination of employment that has no specified term of employment.

[EXHIBIT\(jus29a01\)](#)

[EXHIBIT\(jus29a02\)](#)

**Proponents:**

00:05:27 Webb Brown, Montana Chamber of Commerce

**Opponents:**

00:07:10 Andrea Olsen, Montana Trial Lawyers Association

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:10:34 Sen. Perry to Sen. Peterson

**Closing by Sponsor:**

00:11:19 Sen. Peterson

**HEARING ON SB 393**

**Opening Statement by Sponsor:**

00:12:20 SEN. KIM GILLAN (D), SD 24, opened the hearing on SB 393, Require mediation of custody in dissolution of marriage.

[EXHIBIT\(jus29a03\)](#)

**Proponents:**

00:17:39 Kerry Newcomb, President, Montana Mediation Association

[EXHIBIT\(jus29a04\)](#)

**Opponents:**

00:20:18 Dana Toole, Montana Legal Services

**Informational Testimony:**

00:26:25 Beth McLaughlin, Office of Court Administrator

**Questions from Committee Members and Responses:**

00:26:52 Sen. McGee to Sen. Gillan

00:31:24 Sen. Shockley to Sen. Gillan

00:34:15 Sen. O'Neil to Kerry Newcomb

00:39:15 Sen. Shockley to Kerry Newcomb

00:43:45 Sen. Laslovich to Kerry Newcomb

**Closing by Sponsor:**

00:45:28 Sen. Gillan

**HEARING ON SB 408**

**Opening Statement by Sponsor:**

00:47:58 **SEN. ROY BROWN (R), SD 25**, opened the hearing on **SB 408**, Governor's office review of agency rules.

**Proponents:**

00:51:57 Tom Ebzery, Western Environmental Trade Association (WETA)

00:55:00 Don Allen, WETA

**EXHIBIT(jus29a05)**

00:56:08 Dave Galt, Executive Director, Montana Petroleum Association

00:56:25 Webb Brown, Montana Chamber of Commerce

**Opponents:**

00:56:43 Commissioner Brad Molnar, Public Service Commission  
(PSC)

**EXHIBIT(jus29a06)**

00:58:06 Eric Stern, Governor's Office

01:01:56 Ann Hedges, Montana Environmental Information Center  
(MEIC)

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:10:22 Sen. Shockley to Sen. Brown

01:13:06 Sen. Williams to Sen. Brown

01:14:44 Sen. O'Neil to Eric Stern

01:16:53 Sen. McGee to Eric Stern

01:17:15 Sen. McGee to Sen. Brown

**EXHIBIT(jus29a07)**

01:18:20 Sen. Perry to Sen. Brown

01:20:08 Sen. Williams to Sen. Brown

01:21:53 Sen. Jent to Sen. Brown

**Closing by Sponsor:**

01:23:56 Sen. Brown

01:27:01 Break

01:45:01 Resume

**HEARING ON SB 395**

**Opening Statement by Sponsor:**

01:45:21 SEN. JERRY O'NEIL (R), SD 3, opened the hearing on SB 395, Jury trial for termination of parental rights.

**Proponents:** None.

**Opponents:**

01:56:33 Mark Murphy, Yellowstone County Attorney's Office

02:05:56 Shirley Brown, Department of Public Health and Human Services (DPHHS)

**EXHIBIT(jus29a08)**

02:16:44 Ellen Bush, CASA of Montana

**Informational Testimony:**

02:17:53 Beth McLaughlin, Office of the Court Administrator

**Questions from Committee Members and Responses:**

02:18:54 Sen. McGee to Mark Murphy

02:19:46 Sen. Shockley to Shirley Brown

02:21:41 Sen. McGee to Mark Murphy

02:28:39 Sen. McGee to Sen. O'Neil

02:30:43 Sen. Shockley to Mark Murphy

**Closing by Sponsor:**

02:34:15 Sen. O'Neil

**HEARING ON SB 381**

**Opening Statement by Sponsor:**

02:37:14 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 381, Affirmative defense for food allergy actions.

**Proponents:** None.

**Opponents:**

02:42:37 Brad Griffin, Montana Retail and Restaurant Association

02:46:15 Andrea Olson, Montana Trial Lawyers Association

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:49:20 Sen. Perry to Sen. Laslovich

02:49:45 Sen. Moss to Sen. Laslovich

02:50:24 Sen. Shockley to Sen. Laslovich

**Closing by Sponsor:**

02:50:54 Sen. Laslovich

**EXECUTIVE ACTION ON SB 360**

02:53:36 **Motion/Vote:** SEN. WANZENRIED moved that SB 360 BE  
TABLED. Motion carried 11-1 by voice vote with SEN.  
O'NEIL voting no.

**EXECUTIVE ACTION ON SB 381**

02:55:04 **Motion/Vote:** SEN. WANZENRIED moved that SB 381 BE  
TABLED. Motion carried 9-3 by voice vote with SEN.  
SHOCKLEY, SEN. PERRY, and SEN. LASLOVICH voting no.

**EXECUTIVE ACTION ON SB 323**

02:57:01 **Motion:** SEN. LASLOVICH moved that SB 323 DO PASS.

02:57:21 **Motion:** SEN. LASLOVICH moved that SB032301.AVL BE  
ADOPTED.

**EXHIBIT** (jus29a09)

**Discussion:**

03:00:56 Sen. Laslovich

03:01:02 Sen. O'Neil

03:01:27 Sen. Moss

03:02:11 Sen. Wanzenried

03:04:49 **Vote: Motion to adopt SB032301.AVL carried 11-1 by roll call vote with SEN. WANZENRIED voting no.**

**Discussion:**

03:05:55 Sen. O'Neil to Sen. Laslovich

03:08:31 **Motion: SEN. LASLOVICH moved that SB 323 DO PASS AS AMENDED.**

**Discussion:**

03:17:15 Sen. Shockley

03:18:10 Sen. McGee to Sen. Shockley

03:23:07 Sen. Jent

03:23:59 Sen. Curtiss

03:25:06 Sen. Wanzenried

03:28:00 Sen. Perry

03:32:13 Sen. O'Neil

03:33:38 Sen. Moss

03:36:09 Sen. Laslovich

03:38:00 **Vote: Motion that SB 323 DO PASS AS AMENDED carried 9-3 by roll call vote with SEN. MOSS, SEN. WANZENRIED, and SEN. WILLIAMS voting no.**

**EXECUTIVE ACTION ON SB 350**

03:40:33 **Motion:** SEN. PERRY moved that SB 350 DO PASS.

03:41:12 **Motion:** SEN. PERRY moved SB035002.AVL BE ADOPTED.

**EXHIBIT(jus29a10)**

**Discussion:**

03:42:25 Valencia Lane, LSD

03:45:08 Sen. Laslovich

03:45:25 Sen. Shockley

03:46:12 Sen. Jent

03:46:25 Sen. Perry

03:46:45 **Vote:** Motion to ADOPT SB035002.AVL carried  
unanimously by voice vote.

03:47:33 **Motion:** SEN. PERRY moved that SB 350 DO PASS AS  
AMENDED.

**Discussion:**

03:48:49 Sen. Perry

03:50:18 Sen. Shockley

03:50:52 Sen. Perry

03:51:12 **Vote:** Motion that SB 350 DO PASS AS AMENDED carried  
9-3 by voice vote with SEN. JENT, SEN. MCGEE, and SEN.  
SHOCKLEY voting no.



**ADJOURNMENT**

Adjournment: 12:00 P.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus29aad.pdf](#))**